

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

APR 13 2023

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARIUS ALEXANDER PRESLEY,

Defendant.

RONNIE HACKLER
Clerk, U.S. District Court

By _____
Deputy Clerk

Case No.

CR23-053 RAW

INDICTMENT

The Federal Grand Jury charges:

COUNT ONE

MURDER IN INDIAN COUNTRY
[18 U.S.C. §§ 1111(a), 1151, & 1153]

On or about December 2, 2022, within the Eastern District of Oklahoma, in Indian Country, the defendant, **DARIUS ALEXANDER PRESLEY**, an Indian, willfully, deliberately, maliciously, and with premeditation and malice aforethought, did unlawfully kill T.G., in violation of Title 18, United States Code, Sections 1111(a), 1151, and 1153.

COUNT TWO

ASSAULT WITH INTENT TO COMMIT MURDER IN INDIAN COUNTRY
[18 U.S.C. §§ 113(a)(1), 1151, & 1153]

On or about December 2, 2022, within the Eastern District of Oklahoma, in Indian Country, the defendant, **DARIUS ALEXANDER PRESLEY**, an Indian, did assault S.D., with intent to commit murder in violation of Title 18, United States Code, Sections 113(a)(1), 1151, and 1153.

COUNT THREE

**USE, CARRY, BRANDISH, AND DISCHARGE A FIREARM
DURING AND IN RELATION TO A CRIME OF VIOLENCE
[18 U.S.C. § 924(c)(1)(A)(i), (ii), & (iii)]**

On or about December 2, 2022, within the Eastern District of Oklahoma, the defendant, **DARIUS ALEXANDER PRESLEY**, did knowingly use, carry, brandish, and discharge a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, Murder in Indian Country and Assault with Intent to Commit Murder in Indian Country as alleged in Counts One and Two of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), (ii), and (iii).

COUNT FOUR

**CAUSING THE DEATH OF A PERSON IN THE COURSE OF A VIOLATION OF
TITLE 18 UNITED STATES CODE § 924(c)
[18 U.S.C. § 924(j)]**

On or about December 2, 2022, within the Eastern District of Oklahoma, the defendant, **DARIUS ALEXANDER PRESLEY**, did knowingly use, carry, brandish, and discharge a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: Murder in Indian Country, as charged in Count One of this Indictment, and in the course of this violation caused the death of a person through the use of a firearm, which killing is a murder, as defined in Title 18, United States Code § 1111, in that the defendant, **DARIUS ALEXANDER PRESLEY**, did murder and unlawfully kill T.G. with a firearm, in violation of Title 18, United States Code, Section 924(j).

COUNT FIVE

**FELON IN POSSESSION OF A FIREARM
[18 U.S.C. §§ 922(g)(1) & 924(a)(8)]**

On or about December 2, 2022, in the Eastern District of Oklahoma, the Defendant, **DARIUS ALEXANDER PRESLEY**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, and knowing of such conviction, did knowingly possess in and affecting commerce, the following firearm, to wit: one (1) .22 caliber H&R revolver manufactured by Harrington & Richardson bearing serial number AM 1385; which had been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

**FORFEITURE ALLEGATION
[18 U.S.C. § 924(d) & 28 U.S.C. § 2461(c)]**

The allegations contained in Count One of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

Upon conviction of the violation charged in Count One of this Indictment involving violations of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8), the defendant, **DARIUS ALEXANDER PRESLEY**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offenses, including, but not limited to: one (1) .22 caliber H&R revolver manufactured by Harrington & Richardson bearing serial number AM 1385.

A TRUE BILL:

CHRISTOPHER J. WILSON
United States Attorney



JORDAN HOWANITZ, TN BAR # 035622
Assistant United States Attorney

Pursuant to the E-Government Act,
the original indictment has been filed
under seal in the Clerk's Office.

s / Foreperson

FOREPERSON OF THE GRAND JURY